

AMENDMENT UNDER 37 CFR 1.116
USAN 10/033,775

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figure 1 and a new figure (Figure 2). These sheets replace the original sheet of drawings. In Figure 1, optional element 54 has been added, and in Figure 2, another embodiment of the present invention is shown.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

REMARKS

The specification has been amended in view of the amendments to the drawings. The specification and drawings have been amended based on, e.g., the disclosure bridging paragraphs 5-6 and the disclosure at page 7, lines 13-17 in the application.

Entry of the above amendments is respectfully requested.

Drawings

On page 2 of the Office Action, in paragraph 1, the Examiner has objected to the drawings under 35 U.S.C. 1.83(a).

In particular, the Examiner indicates that the two pairs of rollers and the pair of endless belts must be shown in the drawings or the features canceled from the claims.

In response to this objection, and to expedite allowance, Applicants submit herewith Fig. 2 showing the two pairs of rollers and the pair of endless belts. Fig. 2 is supported by the disclosure in the paragraph bridging pages 5-6 in the application.

Accordingly, Applicants submit that the objection has been overcome, and withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. 112, First Paragraph

On page 3 of the Office Action, in paragraph 2, claims 7-12 and 19-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

In particular, the Examiner indicates that the pair of endless belts and other structure as claimed are not described and shown by the disclosure. In this regard, the

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Examiner requests that Applicants state on the record where the pair of endless belts and two pairs of rollers are shown in Figure 1.

In response, Applicants submit initially that the specification describes how to make an invention treadmill including a pair of endless belts and other structure in the disclosure beginning at, e.g., page 5, line 13, which is specifically directed to the particular invention embodiment at issue. Further, Applicants submit that the specification describes how to use an invention treadmill including a pair of endless belts and other structure in the disclosure beginning at, e.g., page 8, line 13, which is specifically directed to the embodiment at issue. Thus, Applicants submit that the specification is sufficient to enable one of ordinary skill in the art to make and use the embodiment at issue.

However, to expedite allowance, Applicants have amended the drawings to show this embodiment in Figure 2. In this regard, Applicants note that the Figure 1 is directed to the broadly claimed invention as recited in claim 1.

Thus, Applicants submit that the present application satisfies the requirements of 35 U.S.C. 112, first paragraph, and withdrawal of this rejection is respectfully requested.

Obviousness Rejection

On page 4 of the Office Action, in paragraph 4, claims 1-6 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen.

With respect to the arguments presented in the Amendment filed December 8, 2004, the Examiner indicates that Moon as modified meets all the structural limitations. As to the method claims, the Examiner considers that such a sized treadmill could be

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used for any desired function, such as accommodating plural animals, and that plural animals include two children, so some of the claims are met without modifying the Moon device. With respect to claim 6, the Examiner requests that Applicants explain in detail how the limitation therein is shown in Figure 1 and how the handles shown in Figure 1 differ from those shown in Moon. The Examiner indicates that Applicants have merely taken Moon's Figure 1 treadmill and made it wider, and the Examiner asserts that where a change in size of a prior art reference merely represents a change in degree, and not a change in kind, such a change is a design consideration within the skill of the art.

Applicants respectfully submit that the present invention is not obvious over the cited art combination, and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

(1) Applicants submit that one of ordinary skill in the art would not have combined Moon et al and Derksen.

Specifically, Moon et al is directed to a treadmill having a control panel positioned in such a manner as to minimize the likelihood of a user's foot striking a forward part of the treadmill's stationary base when the user is accessing the control panel (see, e.g., col. 1, lines 20-35). Thus, the Moon et al treadmill is directed to a user who would be on the treadmill and accessing the control panel.

In contrast, Derksen is discloses a treadmill used by a horse.

Since a horse is not a treadmill user that would be accessing a control panel, one of ordinary skill in the art would not have applied the teachings of Derksen to Moon et al.

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That is, one of ordinary skill in the art would not have made the belt of the Moon et al treadmill wide enough to accommodate a horse, because the Moon et al treadmill, with its specifically positioned control panel, is not intended to be used by a horse.

Rather, the Moon et al treadmill is intended to be used by a person, since a person is a user who would access a control panel. That is, the desired animal using Moon for exercise purposes is a person, and thus one would not modify Moon to suit a horse.

In this regard, as can be seen from the use of treadmills with standard sized belts by extremely large people in fitness clubs, an extremely large person can use a treadmill with a standard sized belt. Since an extremely large person can use a treadmill with a standard sized belt in a fitness club, one of ordinary skill in the art would not have been motivated to enlarge the belt in Moon et al, particularly since such would have added to the cost of the Moon et al treadmill.

Thus, one of ordinary skill in the art would not have modified Moon in view of Derksen, and that claim 1 and the claims dependent thereon are not obvious over Moon et al in view of Derksen accordingly.

(2) As to claim 6 in particular, Applicants again submit that the cited art combination neither teaches nor suggests such an embodiment, which includes a handle bar having a middle portion that can extend back from a middle part of the front portion of the handle bar. The middle portion can be grasped by the right hand of the left user and/or by the left hand of the right user of the claimed treadmill, and such is simply not contemplated by Moon et al and Derksen. This difference can be clearly seen from Fig. 2 submitted herewith.

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(3) In regard to method claims 13-18, Applicants submit initially that these claims are not obvious for the same reasons given above with respect to claim 1, including that one would not have combined the references and that one would not have been motivated to enlarge the belt in the Moon et al treadmill.

Moreover, Applicants submit that the cited references neither teach nor suggest that more than one user can be using the treadmill at one time, and thus neither teach nor suggest the claimed method for exercising two treadmill users positioned side-by-side on the belt of a treadmill. Thus, even if the belt in Moon et al were wide enough to accommodate plural animals (which Applicants submit would not have been the case, as discussed above), there is still no teaching or suggestion in the cited art which would lead one to have actually exercised plural animals on such a belt.

That is, with respect to the Examiner's assertion that a modified version of Moon could be used for any desired function, such as accommodating plural animals, Applicants submit that the function of accommodating plural animals was not recognized at all in either Moon or Derksen (the Moon treadmill is intended to be used by one person at a time, and the Derksen treadmill is intended to be used by one horse at a time), let alone be recognized as a desired function, so one would not have been led to the presently claimed method from Moon in view of Derksen.

Further, with respect to the Examiner's assertion that plural animals would include two children, such that some of the claims are met without modifying Moon, Applicants submit that accommodating two children was not recognized at all in Moon (or Derksen), let alone be recognized as a desired function, so one would not have been led to the presently claimed method from Moon (even in view of Derksen).

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Moreover, even if Moon were used by two children (which Applicants submit would not have been the case, as discussed above), Applicants submit that the children would have been positioned one in front of the other, as the normal mode of using a standard treadmill is have both hands on handle bar, not side-by-side as recited in the present claims.

Thus, Applicants submit that claim 13 and the claims dependent thereon are not obvious over Moon et al in view of Derksen.

(4) As to claim 18 in particular, Applicants submit that this claim is additionally unobvious for the reasoning given above with respect to claim 6 in particular.

(5) With respect to the Examiner's apparent assertion that the change in size of Moon's treadmill merely represents a change in degree, and not a change in kind, Applicants submit that their wider treadmill is not merely a change in degree, but rather is a change in kind. In this regard, Applicants submit that their wider treadmill enables a completely new form of treadmill exercising, namely, exercising by two treadmill users side-by-side, which is neither taught nor suggested by either Moon or Derksen. Since the present invention provides a completely new form of exercising, Applicants submit that it is a change in kind.

Thus, Applicants submit that the present invention is not obvious over Moon et al in view of Derksen, and withdrawal of this rejection is respectfully requested.

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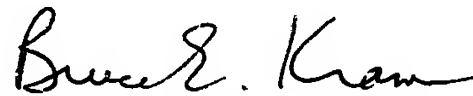
Conclusion

For at least the above reasons, Applicants submit that the present invention is now in condition for allowance.

If the Examiner wishes to discuss this application with the undersigned, he is requested to contact the undersigned at the local address and telephone number listed below.

In view of the above, allowance of the application is respectfully requested.

Respectfully submitted,



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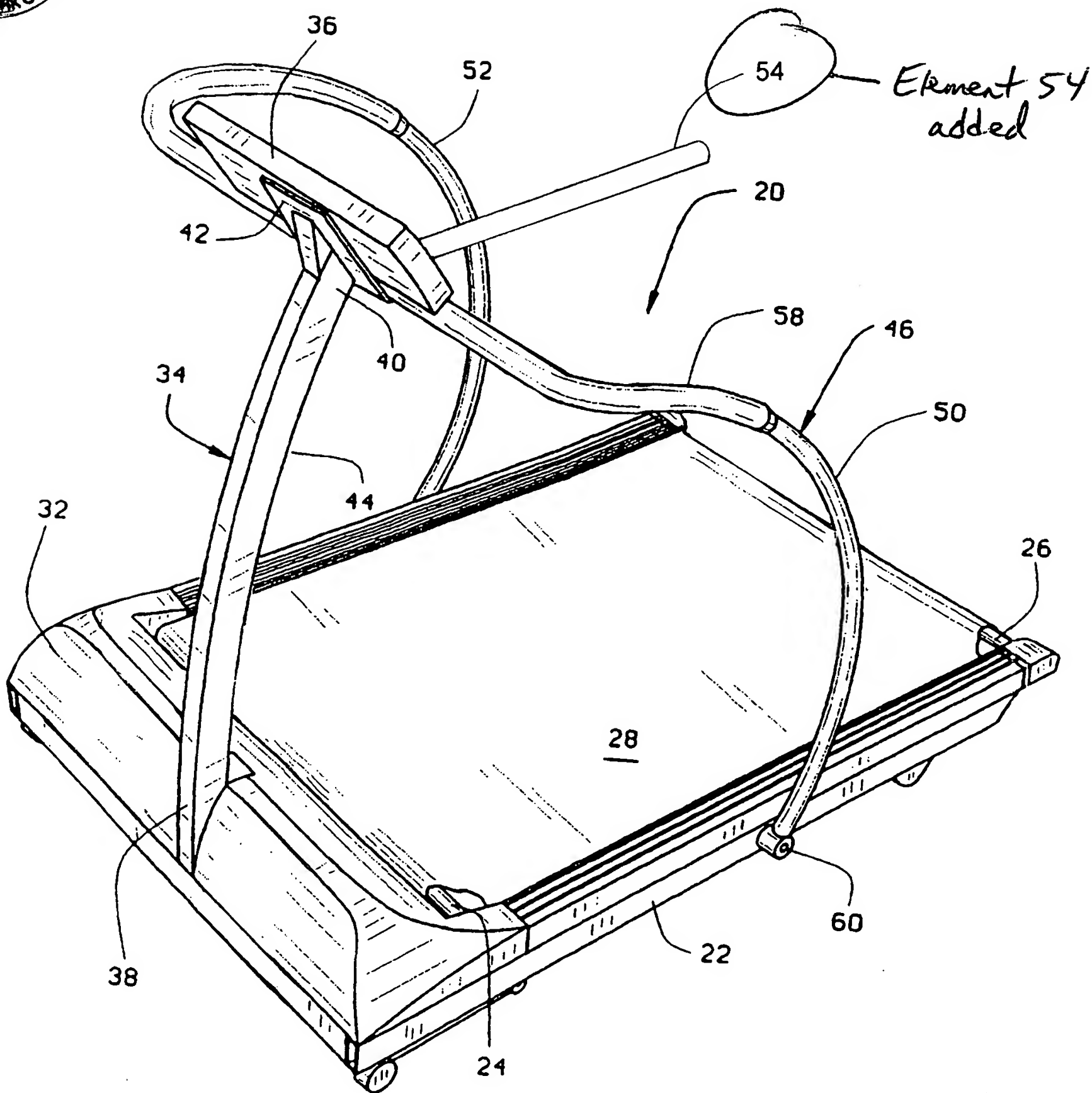
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FIG. 1



Appln. No. 10/033,775
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FIG. 2

